

Order No. 2 (1963) of the Trade Practices and Prices Commission

In the matter of the Trade Practices Act 1958 and in the matter of an inquiry concerning certain terms of a Passenger Booking Agency Agreement adopted by the members of the New Zealand Committee of the Australian and New Zealand Passenger Conference.

WHEREAS the Trade Practices and Prices Commission has, pursuant to section 18 of the Trade Practices Act 1958, conducted an inquiry into certain terms of a Passenger Booking Agency Agreement adopted by the members of the New Zealand Committee of the Australian and New Zealand Passenger Conference (hereinafter referred to as the Conference).

And whereas, prior to the said inquiry, the Examiner of Trade Practices and Prices presented to the Commission a report, pursuant to section 17 of the Trade Practices Act 1958, and a reply thereto was filed on behalf of the members of the Conference.

And whereas in the report of the Examiner it was alleged that the members of the Conference were parties to an agreement or arrangement whereby they agreed to incorporate in each of their respective New Zealand Passenger Booking Agency Agreements a clause (hereinafter referred to as clause 13) in the following terms:

"The acceptance of the appointment is conditional upon the Agent undertaking to concentrate his efforts to the utmost extent in securing passengers for the Lines. Members of the Australian and New Zealand Passenger Conference, viz, P. and O., Orient, Shaw Savill and Albion, Blue Funnel, New Zealand Shipping Co. Ltd., Royal Rotterdam Lloyd and Nederland Line, Royal Dutch Mail and Lloyd Triestino Line. If the Agent shall desire to accept appointment as Agent, Sub-Agent or representative for or in respect of any other passenger-carrying vessel calling at Australia and/or New Zealand, the Agent shall not accept any such appointment without having first given notice in writing to P. and O./Orient Lines or its Port Agents (or as the case may be) of his desire or intention so to do, thus allowing the Lines the opportunity of reviewing the main appointment should this be necessary. Should a case arise in which a passenger-carrying vessel, which formerly did not call at Australian and/or New Zealand ports and for or in respect of which the Agent has been appointed Agent, Sub-Agent, or representative, commence to call at Australian and/or New Zealand ports, the Agent shall forthwith upon such commencement notify the Lines in writing of such agency, sub-agency or representation."

And whereas in their reply the members of the Conference did not deny the existence of the said agreement or arrangement, but denied that the said agreement or arrangement was a trade practice within the meaning of section 19 of the Trade Practices Act 1958 and, further, denied that the said agreement or arrangement was contrary to the public interest.

And whereas the Commission heard evidence adduced by the Examiner and the members of the Conference and heard Mr Orr of Counsel for the Examiner and Mr Blundell of Counsel for the members of the Conference.

And whereas Mr Blundell admitted at the hearing that the said agreement or arrangement is a trade practice in terms of section 19 (2) (b) of the Trade Practices Act 1958.

And whereas the Commission has found that the said agreement or arrangement is a trade practice in terms of paragraphs (b) and (j) of subsection 2 of section 19 of the Trade Practices Act 1958 and, further, that such trade practice is contrary to the public interest in terms of paragraphs (d) and (e) of section 20 of the said Act and, further, that an order should be made under the said Act in respect of the said trade practice.

Now, therefore, the Trade Practices and Prices Commission hereby orders and directs the members of the New Zealand Committee of the Australian and New Zealand Passenger Conference:

- (a) To revoke their present agreement or arrangement whereby they agreed to incorporate in each of their New Zealand Passenger Booking Agency Agreements the said clause 13.
- (b) To refrain from reviving in any form whether as members of the said committee or otherwise howsoever the said agreement or arrangement whereby they agreed to incorporate in each of their New Zealand Passenger Booking Agency Agreements the said clause 13, and to refrain from entering into any other agreement or arrangement which would have the same or substantially the same effect as the aforesaid agreement or arrangement.
- (c) To rescind the said clause 13 of the said Passenger Booking Agency Agreements which the said members have entered into with their respective booking-agents.
- (d) To abstain from the practice of requiring their respective passenger booking agents (other than sole agents if any) to refrain from acting as passenger agents of any other shipping company whether operating in competition with members of the Australian and New Zealand Passenger Conference or otherwise and to make no attempt to engage in any similar practice.
- (e) To convene a meeting of the New Zealand Committee of the Conference within 30 days of the coming into force of this order and to pass thereat a resolution in terms following:

"Pursuant to the order of the Trade Practices and Prices Commission dated the 1st day of April 1963 it is hereby resolved:

- (a) That the agreement or arrangement between members whereby they agreed to incorporate clause 13 in common form in each of their respective New Zealand Passenger Booking Agency Agreements be and the same is hereby rescinded;
- (b) That henceforth the members shall refrain from entering into any agreement or arrangement which would have the same or substantially the same effect as the agreement or arrangement hereby revoked;
- (c) That a copy of this resolution be forwarded forthwith to all members and to the Examiner of Trade Practices and Prices."
- (f) Within 30 days of the coming into force of this order to write to each of their respective passenger booking agents advising them that clause 13 of the passenger booking agency agreement is rescinded.
- (g) Forthwith upon writing to each of their respective passenger booking agents as required by the preceding clause (f) hereof to advise the Examiner of Trade Practices and Prices thereof.

Dated at Wellington this 1st day of April 1963.

The seal of the Trade Practices and Prices Commission was affixed hereto in the presence of—

[L.S.] S. T. BARNETT, Chairman.
R. D. CHRISTIE, Member.
F. F. SIMMONS, Member.

(I. and C.)

Industrial Conciliation and Arbitration Act 1954—Proposed Cancellation of Registration of Industrial Union

PURSUANT to section 86 of the Industrial Conciliation and Arbitration Act 1954, it is hereby notified that the registration of the Rotorua Private Hotels' Industrial Union of Employers, Registered No. 2012, situated at Hinemoa Street, Rotorua, will, unless cause to the contrary is shown, be cancelled on the expiration of six weeks from the date of the publication of this notice in the *Gazette*.

Dated at Wellington this 28th day of March 1963.

N. S. WOODS,
Registrar of Industrial Unions, Department of Labour.
(Lab. 3/2/1738)

Industrial Conciliation and Arbitration Act 1954—Proposed Cancellation of Registration of Industrial Union

PURSUANT to section 85 of the Industrial Conciliation and Arbitration Act 1954, it is hereby notified that the registration of the Masterton Carpenters, Joiners and Joiners Machinists' Industrial Union of Workers, Registered No. 804, situated at 20 Keir Crescent, Masterton, will, unless cause to the contrary is shown, be cancelled on the expiration of six weeks from the date of the publication of this notice in the *Gazette*.

Dated at Wellington this 1st day of April 1963.

N. S. WOODS,
Registrar of Industrial Unions, Department of Labour.
(Lab. 3/2/217)

Reserve Bank of New Zealand

PURSUANT to section 45 of the Reserve Bank of New Zealand Act 1933 (as amended by section 23 of the Reserve Bank of New Zealand Amendment Act 1936), the Governor of the Reserve Bank, acting with the authority of the Minister of Finance, hereby gives notice that as from 5 April 1963, the balance to be maintained in the Reserve Bank by each other bank for the time being carrying on business in New Zealand in accordance with the said section 45 shall be such that when added to that bank's holding of Reserve Bank notes, it shall be equal to not less than 17 per cent of its demand liabilities in New Zealand, plus 5 per cent of its time liabilities in New Zealand, as shown in the last preceding monthly return furnished by that bank in accordance with section 46 of the Reserve Bank of New Zealand Act 1933.

Provided that the minimum balance to be maintained at the Reserve Bank shall not be less than 7 per cent of its demand liabilities in New Zealand, plus 3 per cent of its time liabilities in New Zealand.

For the purpose of this calculation a bank's holding of Reserve Bank notes shall be as shown in the latest available weekly return provided under the Statistics Act 1955.

G. WILSON, Governor of the Reserve Bank.
Reserve Bank of New Zealand, Wellington, 3 April 1963.